



TEW

1638

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

10/522,094

Filing Date

January 24, 2005

First Named Inventor

LINDERS et al.

Art Unit

1638

Examiner Name

Keith O'Neal Robinson

Attorney Docket Number

70059USPCT

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☒

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/
Incomplete Application

☐

Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a
Provisional Application

☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐ Landscape Table on CD

Remarks

☐

After Allowance Communication to TC

☐

Appeal Communication to Board
of Appeals and Interferences

☐

Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify
below):

Return PostCard;
36 reference documents; Form 1449;
International Search Report

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Syngenta Biotechnology, Inc.

Signature

Printed name

Edouard Lebel, Agent for Application

Date

FEBRUARY 9, 2006

Reg. No.

43,742

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

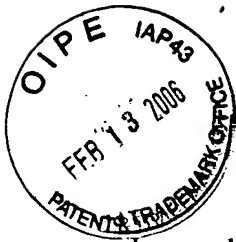
Oksana Boynitzky

Date

Febr. 9, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LINDERS et al

Serial. No.: 10/522,094

Filed: January 24, 2005

For: CLUBROOT RESISTANT BRASSICA
OLERACEA PLANTS

Art Unit: 1638

Examiner: Keith O'Neal Robinson

Atty Docket: 70059USPCT

Confirmation No.: 9236

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §1.56, Applicants wish to call the Examiner's attention to the references cited on the attached Form PTO-1449. The items listed on the enclosed Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. In accordance with the United States PTO Official Gazette Notice of August 5, 2003, copies of all cited references except U.S. patents and U.S. patent applications are enclosed herewith.

The submission of these references is made solely for the purpose of complying with Applicant's duty of disclosure, and is not intended as a surrender of patentable subject matter nor is it intended to create prosecution history estoppel.

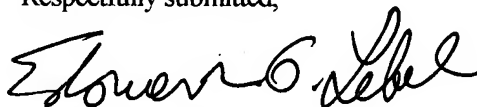
Also enclosed is a copy of the International Search Report of corresponding International Application No. PCT/EP03/08197.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

The Examiner is requested to consider the foregoing information in relation to this application and to indicate that each reference was considered by returning a copy of the initialed PTO 1449 forms.

In accordance with 37 CFR §1.97(b)(3), no fee is believed to be required for consideration of this statement because it is being submitted before the mailing date of a first Office Action on the merits. However, the Commissioner is authorized to charge any fee under 37 C.F.R. §1.17 that may be required, to Deposit Account No. 50-1744 in the name of Syngenta Biotechnology, Inc.

Respectfully submitted,



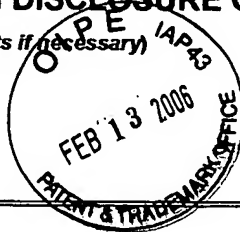
Edouard G. Lebel, Ph.D.
Agent for Applicants
Registration No 43,742

Syngenta Biotechnology, Inc.
P. O. Box 12257
3054 East Cornwallis Road
Research Triangle Park, NC 27709-2257
Telephone: 919-765-5117

Date: *FEBRUARY 9, 2006*

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY. DOCKET NO.
70059USPCT
APPLICATION NO.
10/522,094
APPLICANT
LINDERS et al.
FILING DATE:
January 24, 2005Confirmation No.
9236
Group
1638

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A	5,254,802	10/19/1993	Hoekstra et al.	800	220	12/10/1990

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	OFFICE	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B	WO 00/055340	09/21/2000	WIPO	C12N	15/82	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	C	WO 03/000898	01/03/2003	WIPO	C12N	15/29	<input type="checkbox"/>	<input checked="" type="checkbox"/>

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent pages, Etc.)

D	Botstein et al. <i>Construction of a genetic linkage map in man using restriction fragment length polymorphisms</i> <i>The American Journal of Human Genetics</i> , Vol. 32, (1980), pp. 314-331
E	Bradshaw et al. <i>Transfer of resistance to clubroot (Plasmodiophora brassicae) to Swedes (Brassica napus L. var. napobrassica Petern) from B. rapa</i> <i>Annals of Applied Biology</i> , Vol. 130, (1997), pp. 337-348
F	Buczacki et al. <i>Study of physiologic specialization in Plasmodiophora Brassicae: proposals for attempted rationalization through an international approach</i> <i>Transactions of the British Mycological Society</i> , Vol. 65, no. 2, (1975), pp. 295-303
G	Chang H. et al. Database GSN Online, November 20, 2003: <i>Rice gene SEQ ID NO:4190</i> Accession No. ADA70867
H	Chiang et al. <i>Richelain: A clubroot-resistant cabbage cultivar</i> <i>Canadian Journal of Plant Science</i> , Vol. 69, (January, 1989), pp. 337-340
I	Chiang et al. <i>The somatic karyotype of cabbage (Brassica Oleracea SSP. Capitata)</i> <i>Euphytica</i> , Vol. 28, (1979), pp. 41-45
J	Chiang et al. <i>Transfer of resistance to race 2 of Plasmodiophora Brassicae from Brassica Napus to cabbage (B. Oleracea SSP. Capitata). V. The inheritance of resistance</i> <i>Euphytica</i> , Vol. 32, (1983), pp. 479-483

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY. DOCKET NO.
70059USPCT
APPLICATION NO.
10/522,094
APPLICANT
LINDERS et al.
FILING DATE:
January 24, 2005

Confirmation No.
9236
Group
1638

K	Dixon et al. <i>Calcium and nitrogen eliciting alterations to growth and reproduction of Plasmodiophora Brassicae (clubroot)</i> <i>Acta Horticulturae</i> , Vol. 459, (1998), pp. 343-350
L	Dixon G. <i>Keeping clubroot on the run</i> <i>Grower</i> , (April 29, 1999), pp. 28-29
M	Fehr W.R. Iowa State University. "Principles of Cultivar Development," vol. 1 Theory and Technique, (Macmillan Publishing Company, New York, 1987), p. 360-376
N	Gowers, S. <i>The transfer of characters from Brassica Campestris L. to Brassica Napus L.: Production of clubroot-resistant oil-seed rape (B. Napus SSP Oleifera)</i> <i>Euphytica</i> , Vol. 31, (1982), pp. 971-976
O	Harberd, D.J. <i>A simple effective embryo culture technique for brassica</i> <i>Euphytica</i> , Vol. 18, (1969), pp. 425-429
P	Heame et al. <i>Microsatellites for linkage analysis of genetic traits</i> <i>Trends in Genetics</i> , Vol. 8, no. 8, (1992), pp. 288-294
Q	Inomata, N. <i>Embryo rescue techniques for wide hybridization</i> <i>Monographs on Theoretical and Applied Genetics</i> , Vol. 19, (1993), pp. 94-107
R	JP 09 117284 A (YASAI CHAGYO SHIKENBACHO) 1997-05-06 (abstract) World Patents Index [online]. London, U.K.: Derwent Publications, Ltd. XP002264817, Accession No. 1997-305513
S	Konieczny et al. <i>A procedure for mapping Arabidopsis mutations using co-dominant ecotype-specific PCR-based markers</i> <i>The Plant Journal</i> , Vol. 4, no. 2, (1993), pp. 403-410
T	KR 010 006 352 A (UNIV. CHUNGNAM NAT) 2002-08-14 (abstract) World Patents Index [online]. London, U.K.: Derwent Publications, Ltd. XP002264818, Accession No. 2003-145043
U	Landry et al. <i>A genetic map for brassica-oleracea based on RFLP markers detected with expressed DNA sequences and mapping of resistance genes to race 2 of plasmodiophora-brassicae woronin</i> <i>Genome</i> , Vol. 35, no. 3, (1992), pp. 409-420

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.

FORM PTO-1449
(REV. 7-86)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY. DOCKET NO.
70059USPCT
APPLICATION NO.
10/522,094
APPLICANT
LINDERS et al.
FILING DATE:
January 24, 2005Confirmation No.
9236
Group
1638

V	Makaroff et al. <i>The atp6 Coding Region has been disrupted and a novel reading frame generated in the mitochondrial genome of cytoplasmic male-sterile radish</i> <i>The Journal of Biological Chemistry</i> , Vol. 264, no. 20, (1989), pp. 11706-11713
W	Matsumoto Etsuo et al., <i>Linkage Analysis of RFLP markers for clubroot resistance and pigmentation in Chinese cabbage (Brassica rapa ssp. pekinensis)</i> <i>Euphytica</i> , Vol. 104, no. 2, (1998), pp. 79-86
X	Michaels et al. <i>A robust method for detecting single-nucleotide changes as polymorphic markers by PCR</i> <i>The Plant Journal</i> , Vol. 14, no. 3, (1998), pp. 381-385
Y	Neff et al. <i>dCAPS, a simple technique for the genetic analysis of single nucleotide polymorphisms: experimental application in Arabidopsis thaliana genetics</i> <i>The Plant Journal</i> , Vol. 14, no. 3, (1998), pp. 387-392
Z	Ogura, H. <i>Studies on the new male-sterility in Japanese radish, with special reference to the utilization of this sterility towards the practical raising of hybrid seeds</i> <i>Memoirs of the Faculty of Agriculture (Kagoshima University, Kagoshima, Japan, The Faculty of Agriculture, February, 1968)</i> , Vol. VI, no. 2, pp. 39-78
AA	Poehlman et al. "Backcross breeding" in <i>Breeding Field Crops Fourth Edition</i> (Iowa State Press, 1995), pp. 172-175
AB	Robinson, R.A. <i>Disease resistance terminology</i> <i>Review Applied Mycology</i> , Vol. 48, nos. 11-12, (November-December, 1969), pp. 593-606
AC	Sigareva et al. <i>Direct transfer of a cold-tolerant Ogura male-sterile cytoplasm into cabbage (Brassica oleracea ssp. capitata) via protoplast fusion</i> <i>Theoretical and Applied Genetics</i> , Vol. 94, (1997), pp. 213-220
AD	Song et al. <i>Brassica taxonomy based on nuclear restriction fragment length polymorphisms (RFLPs). 3. Genome relationships in Brassica and related genera and the origin of B. oleracea and B. rapa (syn. campestris)</i> <i>Theoretical and Applied Genetics</i> , Vol. 79, (1990), pp. 497-506
AE	Song et al. <i>Brassica taxonomy based on nuclear restriction fragment length polymorphisms (RFLPs). 1. Genome evolution of diploid and amphidiploid species</i> <i>Theoretical and Applied Genetics</i> , Vol. 75, (1988), pp. 784-794
AF	Song et al. <i>Brassica taxonomy based on nuclear restriction fragment length polymorphisms (RFLPs). 2. Preliminary analysis of subspecies within B. rapa (syn. campestris) and B. oleracea</i> <i>Theoretical and Applied Genetics</i> , Vol. 76, (1988), pp. 593-600

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY. DOCKET NO.
70059USPCT
APPLICATION NO.
10/522,094
APPLICANT
LINDERS et al.
FILING DATE:
January 24, 2005

Confirmation No.
9236
Group
1638

AG	Voomips et al. <i>Mapping of two genes for resistance to clubroot (Plasmodiophora brassicas) in a population of doubled haploid lines of Brassica oleracea by means of RFLP and AFLP markers</i> <i>Theoretical and Applied Genetics</i> , Vol. 94, (1997), pp. 75-82
AH	Voomips, R.E. <i>Plasmodiophora brassicae: aspects of pathogenesis and resistance in Brassica oleracea</i> <i>Euphytica</i> , Vol. 83, (1995), pp. 139-146
AI	Williams et al. <i>DNA polymorphisms amplified by arbitrary primers are useful as genetic markers</i> <i>Nucleic Acids Research</i> , Vol. 18, no. 22, (1990), pp. 6531-6535
AJ	Yoshikawa, H. <i>Breeding for clubroot resistance of crucifer crops in Japan</i> <i>Japan Agricultural Research Quarterly</i> , Vol. 17, no. 1, (1973), pp. 6-11

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.